

HOUSE No. 1446

By Mr. Jones of North Reading, petition of Bradley H. Jones, Jr., and others relative to consumer identity verification prior to the issuance of credit cards. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

PETITION OF:

Bradley H. Jones, Jr.	Robert S. Hargraves
Mary S. Rogeness	Lewis G. Evangelidis
George N. Peterson, Jr.	Karyn E. Polito
John A. Lepper	Paul K. Frost
Viriato Manuel deMacedo	Paul J.P. Loscocco
Elizabeth A. Poirier	Shirley A. Gomes
Donald F. Humason, Jr.	Michael J. Coppola
Susan W. Pope	Reed V. Hillman
Susan Williams Gifford	Richard J. Ross

In the Year Two Thousand and Five.

AN ACT RELATIVE TO THE VERIFICATION OF CONSUMERS' IDENTITY PRIOR TO THE ISSUANCE OF A CREDIT CARD.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is to protect the personal and financial
3 security of consumers in the commonwealth, therefore it is hereby
4 declared to be an emergency law, necessary for the immediate
5 preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 15A of chapter 140D of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 adding at the end thereof the following paragraph:—
4 Any card issuer who receives an acceptance from a consumer
5 residing in the commonwealth of an offer of credit by any appli-

6 cation form or pre-approved written solicitation for an open-end
7 credit plan mailed or distributed to such consumer in accordance
8 with this section, whether such issuer is located within or without
9 the commonwealth, that lists the address of the consumer
10 accepting the offer as different from the address to which the offer
11 was sent shall prior to issuing or directing issuances of the credit
12 card, verify that the consumer accepting the offer is the same con-
13 sumer to whom the offer was sent. For the purposes of this
14 section, a card issuer shall be deemed to have verified that the
15 consumer accepting the offer is the same consumer to whom the
16 offer was sent if:

17 (1) A consumer responding at a telephone number appearing in
18 a publicly available directory or database as the telephone number
19 of the consumer to whom the solicitation was mailed identifies
20 himself or herself as the consumer to whom the solicitation was
21 mailed and acknowledges the consumer's acceptance of the solici-
22 tation; or

23 (2) A consumer presents the card issuer, including presentation
24 by facsimile transmission or mail, the original or a copy of one or
25 more documents, including a driver's license, social security card,
26 passport, or any other identification document issued by a state or
27 federal governmental agency, that, on the face of the document or
28 documents, appears to confirm such consumer's identity as the
29 consumer to whom a solicitation was mailed and the consumer
30 acknowledges acceptance of the offer in question; or

31 (3) The solicitor verified, by any means adopted in federal reg-
32 ulations, that the consumer accepting the solicitation is the con-
33 sumer to whom the solicitation was directed.